



# SENATE JOINT RESOLUTION No. 4

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## DIGEST OF INTRODUCED RESOLUTION

**Citations Affected:** Article 7 of the Constitution of the State of Indiana.

**Synopsis:** Prohibit certain mandates by courts. Provides that the supreme court, the court of appeals, a circuit court, or another court established by the general assembly may not issue a mandate, an order, or another writ requiring the state or a political subdivision of the state to expend money for the operation of any court of the state. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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## Boots

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January 7, 2009 read first time and referred to Committee on Judiciary.

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PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## SENATE JOINT RESOLUTION No. 4

A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning the judiciary.

*Be it resolved by the General Assembly of the State of Indiana:*

1       SECTION 1. The following amendment to the Constitution of the  
2       State of Indiana is proposed and agreed to by this, the One Hundred  
3       Sixteenth General Assembly of the State of Indiana, and is referred to  
4       the next General Assembly for reconsideration and agreement.

5       SECTION 2. ARTICLE 7, SECTION 4 OF THE CONSTITUTION  
6       OF THE STATE OF INDIANA IS AMENDED TO READ AS  
7       FOLLOWS: Section 4. **(a)** The Supreme Court shall have no original  
8       jurisdiction except in **the following:**

- 9               **(1)** Admission to the practice of law.  
10              **(2)** Discipline or disbarment of those admitted **to the practice of**  
11              **law.**  
12              **(3)** The unauthorized practice of law.  
13              **(4)** **The** discipline, removal, and retirement of justices and judges.  
14              **(5)** Supervision of the exercise of jurisdiction by the other courts



1 of the State. ~~and~~

2 (6) Issuance of writs necessary or appropriate in aid of its  
3 jurisdiction.

4 (b) The Supreme Court shall exercise appellate jurisdiction under  
5 such terms and conditions as specified by rules except that appeals  
6 from a judgment imposing a sentence of death shall be taken directly  
7 to the Supreme Court.

8 (c) The Supreme Court shall have, in all appeals of criminal cases,  
9 the power to review all questions of law and to review and revise the  
10 sentence imposed.

11 (d) **The Supreme Court may not issue a mandate, an order, or**  
12 **another writ requiring the State or a political subdivision of the**  
13 **State to expend money for the operation of any court of the State.**

14 SECTION 3. ARTICLE 7, SECTION 6 OF THE CONSTITUTION  
15 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
16 FOLLOWS: Section 6. ~~Jurisdiction of Court of Appeals.~~ (a) The Court  
17 ~~shall have of Appeals~~ **has** no original jurisdiction, except that it may  
18 be authorized by rules of the Supreme Court to review directly  
19 decisions of administrative agencies.

20 (b) In all other cases, ~~it the Court of Appeals~~ shall exercise  
21 appellate jurisdiction under such terms and conditions as the Supreme  
22 Court shall specify by rules which shall, however, provide in all cases  
23 an absolute right to one appeal and to the extent provided by rule,  
24 review and revision of sentences for defendants in all criminal cases.

25 (c) **The Court of Appeals may not issue a mandate, an order, or**  
26 **another writ requiring the State or a political subdivision of the**  
27 **State to expend money for the operation of any court of the State.**

28 SECTION 4. ARTICLE 7, SECTION 8 OF THE CONSTITUTION  
29 OF THE STATE OF INDIANA IS AMENDED TO READ AS  
30 FOLLOWS: Section 8. ~~Circuit Courts.~~ (a) The Circuit Courts shall  
31 have such civil and criminal jurisdiction as may be prescribed by law.

32 (b) **A Circuit Court or another court established by the General**  
33 **Assembly may not issue a mandate, an order, or another writ**  
34 **requiring the State or a political subdivision of the State to expend**  
35 **money for the operation of any court of the State.**

